

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

December 15, 2004  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Keno Hawker, Mesa, Chair	Mayor James M. Cavanaugh, Goodyear
Mayor Woody Thomas, Litchfield Park, Vice Chair	Mayor Vinicio Alvarez, Guadalupe
+ Councilmember Dave Waldron for Mayor Douglas Coleman, Apache Junction	Supervisor Max W. Wilson, Maricopa County
Mayor Ron Drake, Avondale	* Mayor Ron Clarke, Paradise Valley
* Mayor Dusty Hull, Buckeye	Vice Mayor Ken Forgia for Mayor John Keegan, Peoria
Mayor Edward Morgan, Carefree	* Mayor Phil Gordon, Phoenix
* Vice Mayor Ralph Mozilo, Cave Creek	+ Vice Mayor Gary Holloway for Mayor Wendy Feldman-Kerr, Queen Creek
Vice Mayor Phillip Westbrook for Mayor Boyd Dunn, Chandler	* President Joni Ramos, Salt River Pima-Maricopa Indian Community
Vice Mayor Michele Kern for Mayor Fred Waterman, El Mirage	Mayor Mary Manross, Scottsdale
President Raphael Bear, Fort McDowell Yavapai Nation	* Mayor Joan Shafer, Surprise
Mayor Wally Nichols, Fountain Hills	Mayor Hugh Hallman, Tempe
* Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian Community	+ Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Bryan Hackbarth, Youngtown
Mayor Elaine Scruggs, Glendale	* Rusty Gant, ADOT Joe Lane, ADOT F. Rockne Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the Regional Council was called to order by Regional Council Chair Keno Hawker at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chairman Hawker stated that the RPTA has provided transit tickets for those who used transit to come to the meeting. He stated that garage parking validation was available from staff.

Chairman Hawker welcomed the Fort McDowell Yavapai Nation as a MAG member agency. He presented President Raphael Bear with his membership certificate.

Chairman Hawker announced that Vice Mayor Ken Forgia would be retiring from public office on January 4, 2005. He noted that Vice Mayor Forgia's public service to the MAG region dates back to 1991 and includes terms as mayor, vice mayor and councilman for the City of Peoria. Chairman Hawker presented Vice Mayor Forgia with a Resolution of Appreciation on behalf of the MAG Regional Council. Vice Mayor Forgia thanked the Regional Council for the award. Dennis Smith recalled Vice Mayor Forgia's active participation in policy discussions while he served on the Regional Council,

Chairman Hawker announced that Mayor Ron Badowski, Vice Mayor Gary Holloway as proxy for Mayor Wendy Feldman-Kerr, and Councilmember Dave Waldron as proxy for Mayor Doug Coleman, were participating via videoconference. He acknowledged additional proxies attending the meeting: Vice Mayor Phillip Westbrooks for Mayor Boyd Dunn and Vice Mayor Michele Kern for Mayor Fred Waterman.

Chairman Hawker noted that the September 29, 2004 minutes were revised to reflect a change to Comments from the Council on page 8. He indicated that the revised minutes were at each place.

### 3. Call to the Audience

Chairman Hawker noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chairman Hawker recognized public comment from Blue Crowley, who said that he had a problem with the process, which should be proactive. Mr. Crowley stated that the public comment period is not a time for the Council to be talking among themselves. He stated that a meeting had been set up with citizens to discuss issues relevant to the CTOC member and reimbursement. Mr. Crowley stated that he wanted to attend the meeting but he missed it because no one informed him of the details. He stated that he disagreed that agenda item #5C, Consultation on Proposed Transportation Conformity Processes for the 2005 MAG Conformity Analysis for the FY 2004-2007 MAG TIP and Regional Transportation Plan, was on the consent agenda. Mr. Crowley stated that the document is important enough to be heard so that the public is allowed a full comment period. He stated that the RPTA is totally non-proactive. Mr. Crowley said that a Management Committee document was mailed on the 30th, the meeting was the first, and he received it in the mail the second. Chairman Hawker thanked Mr. Crowley for his comments.

Chairman Hawker recognized public comment from Michael Hendrickson, who declined comment. Chairman Hawker thanked Mr. Hendrickson for attending the meeting.

Chairman Hawker recognized public comment from Dianne Barker, who expressed her appreciation for receiving transit tickets. She expressed her concern for the impacts of air quality on children. Ms. Barker commented that one thing that government and businesses have in common is bosses. In government, the boss is the citizen. Ms. Barker noted that she had brought Michael Hendrickson to the meeting. She said that she had turned in her public comment card before Mr. Hendrickson and Mr. Crowley and that she was called last for comment. Ms. Barker stated that anything less than an orderly process might smack of discrimination. She reminded the Council that she was 5' 2" and a female. Chairman Hawker thanked Ms. Barker for her comments.

#### 4. Executive Director's Report

Dennis Smith reported that a special edition of the *MAGAZine* on the passage of Proposition 400 was recently published, a copy of which was at each place.

Mr. Smith updated the Council on the Transportation Policy Committee. He said that a tentative schedule of discussions and actions by the Transportation Policy Committee was at each place. Mr. Smith stated that the Transportation Policy Committee is now at the implementation phase of the Plan. He indicated that the draft freeway and arterial section of the TIP is scheduled to be on the January 26, 2005 Regional Council agenda. Mr. Smith explained that an aggressive schedule needs to be met because the current TIP expires on December 9, 2005.

Mr. Smith reported on the Regional Report Forum that will be held January 25, 2005 at the Arizona Club at the Bank One building. He noted that the Forum flyer at each place had been e-mailed to the Regional Council, among others.

Mr. Smith stated that a presentation on a "Vision for Arizona" was given to the Regional Council by the Center for the Future of Arizona on November 17, 2004. Mr. Smith stated that the Center is requesting that City Councils adopt the vision statement as a resolution by the end of January 2005.

Mr. Smith stated that the Government Finance Officers Association presented a Distinguished Budget Presentation Award to MAG for its annual budget for the fiscal year 2005. He said that MAG is one of only a few COGs in the United States to receive this award. Mr. Smith acknowledged the Fiscal Services Department for its work on the budget.

Mr. Smith introduced new MAG staff. Ayanna Rutherford is an Americorps volunteer working in the Human Services Division on homeless and domestic violence issues. Kiran Guntupalli is the ITS and Safety Engineer in the Transportation Division. The Regional Council welcomed the new staff. Chairman Hawker thanked Mr. Smith for his report. No questions from the Council were noted.

#### 5. Approval of Consent Agenda

Chairman Hawker stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered

individually. Chairman Hawker stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the consent agenda. No requests were received from the Council to hear an item individually.

Vice Chairman Thomas moved to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Mayor Hackbarth seconded.

Before a vote was taken, Chairman Hawker recognized public comment from Mr. Crowley, who commented on agenda item #5B. He reiterated statements he has made at previous MAG meetings that street sweepers being purchased need to be vacuums. He repeated his public comment during Call to the Audience that agenda item #5C should not be on the consent agenda. Mr. Crowley expressed support for the Community Emergency Notification System. For agenda item #5F, Mr. Crowley urged that he be counted in the Census Survey. Mr. Crowley stated that he did not feel that the opportunities for public comment were friendly and conducive to the public. He said that he hoped he didn't impose. Chairman Hawker thanked Mr. Crowley for his comments.

Hearing no further discussion, the vote taken on the motion carried unanimously.

5A. Approval of the September 29, 2004 Meeting Minutes

The Regional Council, by consent, approved the revised September 29, 2004 meeting minutes.

5B. Approval of Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2005 CMAQ Funding

The Regional Council, by consent, approved a prioritized list of proposed PM-10 certified street sweeper projects for FY 2005 CMAQ funding and retained the prioritized list for any additional FY 2005 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region. The FY 2005 Unified Planning Work Program and FY 2004-2007 MAG Transportation Improvement Program contain \$1,920,000 in Congestion Mitigation and Air Quality (CMAQ) funding for the purchase of PM-10 certified street sweepers. PM-10 certified street sweeper projects were solicited from member agencies in the Maricopa County PM-10 nonattainment area and 24 applications requesting \$3.97 million in federal funds were received. The MAG Air Quality Technical Advisory Committee and the MAG Management Committee recommended funding of the prioritized list of proposed PM-10 certified street sweeper projects for FY 2005 CMAQ funding.

5C. Consultation on Proposed Transportation Conformity Processes for the 2005 MAG Conformity Analysis for the FY 2004-2007 MAG TIP and Regional Transportation Plan

Federal and state conformity regulations require that MAG consult with federal, state, and local air quality and transportation agencies on proposed processes for the conformity analysis on the Transportation Improvement Program (TIP) and Regional Transportation Plan. MAG distributed for comment the proposed processes to be applied in the conformity analysis for the FY 2004-2007 MAG Transportation Improvement Program and the Regional Transportation Plan for Eight-Hour Ozone. This item was on the agenda for consultation.

5D. Consolidation of the Youth Policy Advisory Committee into the Human Services Coordinating Committee

The Regional Council, by consent, approved consolidating the Youth Policy Advisory Committee into the Human Services Coordinating Committee. In February 1994, a Youth Policy Advisory Committee was formed to address issues of juvenile crime regionally. The focus of the committee was broadened to address youth in general. After successful development of graffiti and curfew ordinances that were adopted regionally, the Committee has been inactive for several years. After discussion at the October 2004 Human Services Coordinating Committee and discussion with the chair of the Youth Policy Advisory Committee, it was recommended that in order to reassess regional youth issues, the Human Services Coordinating Committee would accept the role and responsibility for regional youth-related policies as part of its ongoing human services coordinating function. The Management Committee recommended approval of the consolidation.

5E. Approval of the Draft July 1, 2004 Maricopa County and Municipality Resident Population Updates

The Regional Council, by consent, approved the draft July 1, 2004 Maricopa County and Municipality Resident Population Updates. MAG staff has prepared draft July 1, 2004 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to allocate \$23 million in lottery funds to local jurisdictions for budgeting and to set expenditure limitations, were prepared using Census 2000 data as the base and housing unit data supplied and verified by MAG member agencies. Because of anticipated changes to the State and County control totals by DES, the MAG POPTAC and MAG Management Committee recommended approval of these Updates provided that the County control total was within one percent of the final control total. Subsequently, DES approved a new control total that was within one percent of 3.5 million and the updates have been adjusted to the new control total.

5F. Preparations for Conducting the 2005 Census Survey

At the September Regional Council meeting, staff discussed preparations for the upcoming 2005 Census Survey. Since that time, a 2005 Census Survey Oversight Subcommittee was established. A list of subcommittee members and dates of meetings are enclosed. In addition, a brief summary of the October Census Workshop and an update on office space are also provided. This item was on the agenda for information.

5G. MAG Community Emergency Notification System (CENS) Awareness Day

The Regional Council, by consent, declared January 5, 2005 as CENS Awareness Day and that CENS Awareness Day be a yearly event. January 1, 2005 marks the one-year anniversary of the MAG Community Emergency Notification System (CENS). CENS is the region's emergency notification system that will rapidly notify by telephone those living or working near the scene of an emergency and provide them with information and any required emergency instructions. In an effort to continue public education on the CENS program, the Regional Council is requested to declare January 5, 2005 as CENS Awareness Day and also as a yearly event. The Management Committee recommended the declaration of CENS Awareness Day.

6. FY 2005 MAG Early Phase Public Input Opportunity

Jason Stephens reported on the MAG Early Phase Public Input Opportunity, which is one part of MAG's four-phase public involvement process, and is conducted in cooperation with the Arizona Department of Transportation, Valley Metro/Regional Public Transportation Authority and Valley Metro Rail. Mr. Stephens stated that input was received on the FY 2006-2010 Transportation Improvement Program. He stated that events, meetings, and presentations were held throughout the region from August through October 2004. Input received from these events and written communications were included in the Early Phase Input Opportunity Report. Mr. Stephens said that people expressed that they wanted more dial-a-ride service, the freeways to be completed, and an integrated transit system. He said that people had questions on the speed of light rail and if it will run along the freeways, in addition to comments on the design of the overpass at Grand Avenue and 59th Avenue. Chairman Hawker thanked Mr. Stephens for his report. No questions from the Council were noted.

7. Transportation Policy Committee Recommendations for Business Representatives

With the passage of Proposition 400, a new state law is in effect regarding the appointment of the business members on the Transportation Policy Committee (TPC). According to state law, the President of the Senate and the Speaker of the House of Representatives are authorized to appoint six business members who represent regionwide business interests. The law also provides that the Chair of the Regional Planning Agency may submit names to the President of the Senate and Speaker of the House of Representatives for consideration. On November 3, 2004, a memorandum was sent to Regional Council members requesting names for the business representatives.

Chairman Hawker stated that the TPC discussed the names received and recommended David Berry, Jed Billings, Eneas Kane, Diane Scherer, David C. Scholl and Marty Shultz as the TPC business members.

Chairman Hawker recognized public comment from Ms. Barker, who recommended that the business members on the TPC sign conflict of interest forms before forwarding the names to legislators. She said that nothing may occur, but Jed Billings' company, FNF Construction, has a contract for construction of a light rail bridge at 48th Street. She said that Marty Shultz is employed by APS, who will receive a lot of new electrical conduit from the light rail project at the expense of the public. Ms. Barker commented that others might benefit as well. Chairman Hawker thanked Ms. Barker for her comments.

Mayor Drake asked Chairman Hawker to expand on the issue of a contract being held by Mr. Billings' company. Chairman Hawker explained he did not know if FNF Construction held a contract or not, but if a conflict of interest exists, members must declare a conflict and recuse themselves from a vote. He remarked he has a construction company and has recused himself from certain votes at city council meetings. Chairman Hawker stated that it is not an unusual circumstance for business people who serve on boards or councils.

Mayor Scruggs commented that it was her understanding that President and Speaker will resolve any issues of conflict of interest since the appointments will be State appointments. She stated that they will probably do due diligence with regard to any matters that may be outstanding on these individuals and others not on the MAG list that they might consider.

Mayor Hackbarth moved to forward the recommendation of the Transportation Policy Committee for the business representatives on the TPC to the President of the Senate and Speaker of the House for consideration. Mayor Cavanaugh seconded, and the motion carried unanimously.

8. Earned Income Tax Credit (EITC) Program

Wayne Tormala, City of Phoenix Human Services Department, reported on the Earned Income Tax Credit (EITC) program. Mr. Tormala stated that EITC is the largest federal tax benefit program that is based on work incentive versus public assistance. He noted that more than five million people last year were lifted out of poverty due to EITC. Mr. Tormala stated that last year, 35,000 workers in the City of Phoenix were eligible for EITC, but left from \$25 to \$64 million unclaimed. He remarked that the City's marketing efforts to increase awareness among its residents by including notices in utility bills and through the media, resulting in an increase of \$21.4 million returned over the past year. Mr. Tormala indicated that Tempe and Mesa have also had successful EITC programs, with other cities, such as Glendale and Avondale, have started up their programs.

Mr. Tormala stated that the workers, the banks, government, employers and businesses all benefit from the EITC program. He explained that Phoenix has ten core EITC tax preparation sites where volunteers help low income workers file their tax returns. Mr. Tormala indicated that the City's EITC program was done with little or no increase to the Phoenix budget, just readjusted the priorities. Mr. Tormala displayed a chart that showed the dollar amounts returned to workers through the EITC program in 2003 by jurisdiction. He stated that the chart also showed the amounts left unclaimed, which totaled \$121 million in the region. Mr. Tormala said that everybody wins through the EITC program. The main problem is that 25 percent of eligible workers are unaware of the program. He added that an average return of \$1,800 per family is a good return for 30 to 45 minutes of work.

Mr. Tormala stated that an EITC program can be marketed by building a network with civic and community groups, local businesses, and schools, outreach out to non-English speakers through churches, schools, ethnic small businesses and community groups, enlisting public agencies with direct contact to low-income workers, and using the media. He said that many marketing materials are available, including the brochures that were at each place. Mr. Tormala informed the Council that questions could be directed to Patrick Reidy, the IRS Territory Manager, at 602-207-8684, Debbra Determan at the MAG office, or himself at 602-495-7044. Chairman Hawker thanked Mr. Tormala for his presentation and asked the Council if there were any questions.

Vice Mayor Forgia asked if the City Managers and Finance Directors had received a presentation on the EITC program. Mr. Smith stated that the MAG Management Committee had received presentations on EITC this year and last year.

Chairman Hawker spoke about the City of Mesa EITC program, where volunteers were trained to assist EITC applicants. He commented that EITC has been a successful and beneficial program.

Mayor Hallman stated that this is the third year that the City of Tempe has undertaken the EITC program, and it has been at very little cost to the City. He said that this year, an EITC site will be opened at Arizona Mills Mall. In addition, a financial planning program will also be tested at the EITC site at

the mall. Mayor Hallman noted that the Tempe Community Council could also be contacted for assistance and information.

Mayor Scruggs recommended the EITC program. She said that it is amazing how well the program works. Mayor Scruggs expressed her thanks to the Cities of Mesa, Tempe, and Phoenix who were very helpful to Glendale in getting its EITC program started.

9. Employee Recognition

Dennis Smith stated that each year, MAG recognizes the years of service for the employees as certain milestones are reached. He said that MAG does phenomenal things because it has phenomenal staff. Mr. Smith introduced the staff members with five years service in order of their hire date: Jason Stephens, Dean Giles, Anubhav Bagley, Brenda Day, Ratna Korepella, and Melissa Carrao; with ten years service: Paul Ward; with 15 years service: Judy Tadlock; with 20 years service: Mark Schlappi. The Regional Council acknowledged the staff members with applause.

10. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Manross wished all a wonderful and safe holiday. She expressed her thanks to Dennis Smith and MAG staff, and commented that MAG has the best MPO staff in the country.

Chairman Hawker commented that what Mayor Manross expressed is shared by all Regional Council members. He said that a great deal of work was done in a compressed manner in the past year and he congratulated MAG on the efforts. Chairman Hawker stated that the Regional Transportation Plan is a well-designed plan that will serve the region well. He complimented staff for making MAG look good. Chairman Hawker wished happy holidays to everyone.

There being no further business, the meeting adjourned at 5:50 p.m.

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Chair

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Secretary